

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant,

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff,

Plaintiff,

v.

SOCIETE GENERALE PRIVATE BANKING
(SUISSE) S.A. (*f/k/a* SG Private Banking Suisse
S.A.), individually and as successor in interest to
Societe Generale Private Banking (Lugano-
Svizzera) S.A.; SOCGEN NOMINEES (UK)
LIMITED; LYXOR ASSET MANAGEMENT
INC. (*f/k/a* SG Asset Management, Inc.), as
General Partner of SG AM AI Premium Fund
L.P.; SG AUDACE ALTERNATIF (*f/k/a*
SGAM AI Audace Alternatif), now acting by
and through its manager, Lyxor Asset
Management S.A.S.; SGAM AI EQUILIBRIUM
FUND (*f/k/a* SGAM Alternative Diversified
Fund), now acting by and through its liquidator,
KPMG Advisory Sarl; LYXOR PREMIUM
FUND (*f/k/a* SGAM Alternative Multi Manager
Diversified Fund), now acting by and through its
trustee, Societe Generale S.A.; SOCIETE
GENERALE S.A., as Trustee for Lyxor

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation
(Substantively Consolidated)

Adv. Pro. No. 12-01677 (CGM)

Premium Fund and Successor in Interest to
Banque de Reescompte et de Placement a/k/a
Barep and to Societe Generale Asset
Management Banque d/b/a Barep; SOCIETE
GENERALE LUXEMBOURG (f/k/a Societe
Generale Bank & Trust S.A.); OFI MGA
ALPHA PALMARES (f/k/a Oval Alpha
Palmares); OVAL PALMARES EUROPLUS;
and UMR SELECT ALTERNATIF;

Defendants.

**DECLARATION OF OLIVIER MORICEAU IN RESPONSE TO ORDER
TO SHOW CAUSE SUBMISSIONS**

1. In my capacity as a qualified French attorney, I was asked by Special Counsel for Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff to address certain French legal issues raised in the Declaration of Stéphane Ciccardini (the “Ciccardini Declaration”) (ECF No. 179-1) submitted in response to the Order to Show Cause directed to Bond, Schoeneck & King, PLLC, dated August 19, 2022 (ECF No. 160).
2. I previously submitted a declaration dated June 27, 2022 (ECF No. 157) in connection with the Trustee’s opposition to the OFI Funds’ motion to dismiss (the “Prior Declaration”). My qualifications are set forth in detail in the Prior Declaration. I am highly familiar with the French legal issues discussed in this declaration and address these and similar questions regularly in my practice.
3. In paragraph 6 of the Ciccardini Declaration it is asserted that “OFI Asset Management Company engaged Bond, Schoeneck & King, PLLC to represent the interests of the unit holders of each of the OFI Funds.” In paragraphs 6 and 7 of the Ciccardini Declaration it is asserted that OFI Asset Management “engaged Bond, Schoenick & King, PPLC to represent the OFI Funds” in the BLMIS Trustee’s and Fairfield Sentry Limited’s adversary proceedings. As an experienced civil litigator in France, my analysis is that both of these statements are consistent with French law.

4. In cases where an action has to be filed or, a defence to be made, as to a *fonds communs de placement* (“FCP”), in French courts the management company represents the FCP. As an example, see attached as Exhibit A hereto a list of cases recently pending before COUR D’APPEL DE PARIS (the Court of Appeal of Paris), one of which concerns an FCP. The matter “Société JG CAPITAL MANAGEMENT S.A.S, Prise en la personne de ses représentants légaux, agissant au nom et pour le compte du FCP JG PARTNERS” translates to “JG CAPITAL MANAGEMENT S.A.S, Taken in the person of its legal representatives, acting in the name and on behalf of FCP JG PARTNERS”.
5. By representing the FCP in litigation, the management company represents the interests of the unit holders. *See* Prior Declaration at paragraph 7.
6. This is consistent with my prior opinion shared with the Court concerning article L.214-8-8 and my experience with how French courts interpret the somewhat ambiguous language of that article.
7. I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct and accurately sets forth my opinion on the matters discussed.

Executed In Paris, this September 16th, 2022



Olivier Moriceau

Partner

UGGC Avocats